

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

LABOR PLUS, LLC

and

Case 28-CA-150723

**INTERNATIONAL ALLIANCE OF THEATRICAL
STAGE EMPLOYEES AND MOVING PICTURE
TECHNICIANS, ARTISTS AND ALLIED CRAFTS
OF THE UNITED STATES AND CANADA
LOCAL UNION 720**

ORDER DENYING MOTION¹

The Respondent's Motion to Dismiss the Complaint is denied. The Respondent has not demonstrated that the complaint fails to provide facts necessary to state a claim upon which relief can be granted.²

Dated, Washington, D.C., August 28, 2015.

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
KENT Y. HIROZAWA,	MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The complaint outlines in sufficient detail the basis for the alleged violation. Notwithstanding Respondent's arguments to the contrary, similarities between the charge and the complaint do not constitute a denial of due process; nor do alleged factual discrepancies between positions asserted in the instant case and in a representation case involving the same parties defeat the complaint's allegations or establish the absence of a genuine issue for hearing in the instant case. To the extent that Respondent's motion is regarded as seeking summary judgment, it is denied for the same reasons. See Sec. 102.24(b) of the Board's Rules and Regulations.